

**Translation**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>C10123PCT</b>	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. <b>PCT/EP2004/008240</b>	International filing date (day/month/year) <b>23.07.2004</b>	Priority date (day/month/year) <b>23.07.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>B62D1/16</b>		
Applicant <b>CFS KEMPTEN GMBH</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☒ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-17 \_\_\_\_\_ received by this Authority on 23.05.2005 with
- nos.\* \_\_\_\_\_ received by this Authority on telefax
- ☒ the drawings:
- sheets 1/3-3/3 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-17	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

1 This report makes reference to the following documents:

D1: US 5 984 766 A

D2: EP-A-1040898

D3: DE-A-3433008

D4: EP-A-11197304

D5: DE-C-362714

D6: DE-B-1193652

D7: DE-A-3713536

2 The present application fails to meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).

D1, which is considered to be the closest prior art, discloses (see column 2, lines 43-45) a device from which the subject matter of claim 1 differs in that "the blade is mounted along an axis that is substantially parallel to the drive shaft".

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2.1 The cutting head of the present invention is preferably tilted about an angle (see description, page 3, sixth paragraph), and thus forces are exerted on the support (3) of the device according to the invention which are similar to the forces that are exerted on the support (30) in the device of D1. The features of claim 1 and, in particular, the feature "parallel to the drive shaft" *per se* therefore do not solve the problem of reducing the forces acting on the support (3).

Furthermore, the modifications of the components of the device in D1 which need to be made in order for strong forces to be withstood at higher speeds are obvious to a person skilled in the art.

2.2 The only problem mentioned in the application which could have been solved by some of the features of claim 1, in particular, by a shaft that is connected to the housing in a rotationally rigid manner, is provided on page 4, last line to page 5, line 10, of the description; however, more features are needed in order to solve this problem (*inter alia* a support provided within a hub). Since these features cannot be found in claim 1 and the original documents do not provide any details for the feature "parallel to the drive shaft", a person skilled in the art would regard this feature as an obvious, known solution to the also obvious problem of how to make a straight cut (see, for example, D4, D7).

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3 Furthermore, the application fails to meet the requirements of PCT Article 6 because claim 2 is not clear.

The phrase "in the region of" is vague and unclear and leaves the reader uncertain as to the meaning of the technical feature in question. As a result, the subject matter of said claim is not clearly defined (PCT Article 6).

Claim 3 is also not clear for similar reasons.

3.2 Furthermore, claim 3 is unclear (PCT Article 6) because the components that make up the blade (1) are undefined. Since the axial position of the center of gravity changes when the blade has, for example, a shaft, a hub or another component (see, for example, D3, page 10, lines 24-26), it would not be possible for a person skilled in the art to make a meaningful comparison to the prior art.

Claim 4 is unclear for similar reasons, i.e. because the components that make up the housing (9) are undefined.

3.3 Irrespective of the aforementioned lack of clarity and to the extent that dependent claims 2 to 17 can be interpreted, the features of claim 1 do not involve an inventive step within the meaning of PCT Article 33(3). The reasons for this are the following.

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Dependent claims 2 to 17 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step (see D1 to D7 and the corresponding passages cited in the search report).

## Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

**Box I****Basis of the report**

1 With regard to PCT Article 34(b)

The following amendments were not taken into account in the establishment of the international preliminary report:

the replacement of the phrase "center of gravity" by the phrase "plane of gravity" (claim 2);

the deletion of the phrase "in the region of" in claims 2 and 3;

because there is no basis for these amendments in the original documents. In particular, the original documents do not directly state that the blade is mounted precisely in the center of gravity or in the cutting plane.